REMARKS

In the Final Office Action[1], the Examiner rejected claims 1-7 and 30-33 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,347,136 to Horan ("*Horan*"), in view of U.S. Patent No. 5,956,697 to Usui ("*Usui*"), and further in view of U.S. Patent No. 6,959,288 to Medina et al. ("*Medina*").

Applicants propose to amend claims 1, 5-7, and 30-33 and cancel claims 2-4. Upon entry of the amendment, claims 1, 5-7, and 30-33 will remain pending.

Applicants respectfully traverse the rejection of claims 1-7 and 30-33 under 35 U.S.C. § 103(a).

Claim 1 recites an electronic apparatus including, for example:

> computing means for computing an amount of charge by multiplying the execution time of each of the plurality of functions by a weighing factor that is unique to each of the plurality of functions, wherein a time unit charge decreases as the execution time increases and the time unit charge becomes zero when the execution time reaches a predetermined time value; and
>
> receiving means for receiving a first key to disable at least one of the plurality of functions if the amount of charge is not settled, and a second key to enable at least one of the plurality of functions if the amount of charge is settled.

(Emphasis added). *Horan*, *Usui*, and *Medina*, even if combined as suggested by the Examiner, fail to teach or suggest at least the claimed "computing means" and "receiving means."

[1] The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

The Examiner correctly states that *Horan* and *Usui* do not teach or suggest the claimed "computing means" and "receiving means" (Final Office Action at page 3). *Medina* does not cure the deficiencies of *Horan* and *Usui.*

Medina discloses content encryption keys "used by End-User-Device(s) 109 to unlock Content 113 for which they have obtained rights, typically by a purchase transaction from an authorized Electronic Digital Content Store(s) 103" (col. 44, lines 43-47). Column 49, line 42 through column col. 50, line 5 of *Medina* discloses billing of content handled by clearinghouse 105 or electronic digital content stores.

While the system in *Medina* charges a user for items purchased, the billing and payment scheme in *Medina* does not disclose the claimed correlation between the "amount of charge," "execution time," and "weighing factor." Applicants submit that neither this passage nor any other passage of *Medina* teaches or suggests the claimed combination of elements including, for example, a "computing means for computing an amount of charge by multiplying the execution time of each of the plurality of functions by a weighing factor that is unique to each of the plurality of functions, wherein a time unit charge decreases as the execution time increases and the time unit charge becomes zero when the execution time reaches a predetermined time value," as recited in claim 1.

In addition, the "encryption keys" disclosed by *Medina* are merely used to unlock content (col. 44, lines 43-47). These "encryption keys" of *Medina* do not equate to the claimed "first key" and "second key" in combination with enabling or disabling "functions" based on settlement of an "amount of charge." Therefore, *Medina* does not teach or suggest the claimed combination of elements including, for example, "receiving a first

key to disable at least one of the plurality of functions if the amount of charge is not settled, and a second key to enable at least one of the plurality of functions if the amount of charge is settled," as recited in claim 1.

Accordingly, *Horan*, *Usui*, and *Medina* fail to establish a *prima facie* case of obviousness with respect to claim 1. Claims 5-7 are also allowable at least due to their depending from claim 1. Independent claims 30 and 32 and dependent claims 31 and 33, although of different scope than claim 1, are allowable for at least the same reasons discussed above in regard to claim 1.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1, 5-7, and 30-33 in condition for allowance. This Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the Final Office Action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejection and place the application in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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